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C O N F I D E N T I A L SECTION 01 OF 02 OSLO 000773

SIPDIS

E.O. 12958: DECL: 12/09/2019

TAGS: PREL PTER PHUM IQ NO

SUBJECT: NORWAY ON MULLAH KREKAR EXTRADITION: IRAQ ON HOLD,  
AUSTRALIA HYPOTHETICALLY YES

REF: A. A) DANIELS/SILBERSTEIN (OSLO-EUR/NB) EMAILS DEC  
7 AND 9  
1B. 2009 B) 09 OSLO 653  
1C. C) 08 OSLO 327 AND PREVIOUS

Classified By: Political and Economic Counselor Cherrie S. Daniels for  
reasons 1.4(b) and (d)

11. (C) Summary: In discussions on December 7, our interlocutor at the Ministry of Foreign Affairs (MFA) legal section stated that Norway is not/not actively pursuing obtaining a guarantee of humane treatment for Ansar al-Islam figure Mullah Krekar (aka Najmuddin Faraj Ahmad) from the Government of Iraq. Absent this guarantee, the GON cannot legally act on the standing court deportation order that would send Krekar to Iraq, since Iraq practices capital punishment. The MFA advised us that the Norwegians are waiting for a decision (likely this spring) from the European Court of Human Rights (ECHR) on the legal sufficiency of such guarantees in general. The case before the ECHR is that of Abu Qatada, Al Qaida's "Ambassador in Europe," currently in the UK. The UK is attempting to deport him to Jordan. The GOJ has provided the UK with a similar guarantee of humane treatment, but Abu Qatada is apparently contesting the validity of such a guarantee. In response to poloff's question about media reports that an Australian journalist union wanted Krekar extradited to Australia, our MFA contact stated that he saw "no obstacles" to approving such a request, in the hypothetical case that the GOA eventually requested such extradition. The journalist union wants Australia's attorney general to investigate Krekar for his and Ansar al-Islam's role in the murder of an Australian cameraman in Iraq in 2003. End summary.

12. (C) Poloff met with Martin Sorby, head of the International Humanitarian and Criminal Law section of the MFA, on December 7 to discuss the status of the longstanding Norwegian court order for the deportation of Mullah Krekar to Iraq. Sorby began by stating that Foreign Minister Stoere and Iraqi Foreign Minister Zebari had discussed the issue in June during Stoere's visit to Iraq, and that the two countries were "following the matter closely." (Sorby did not mention that a Norwegian newspaper had just reported that Foreign Minister Stoere would again ask for guarantees when FM Zebari visits Oslo in the near future.) When pressed, however, Sorby admitted that Norway is not actively pursuing obtaining a guarantee from the Iraqi authorities that Krekar, if extradited, would be treated humanely and not be subject to the death penalty. Absent such guarantee, Norway, under its own law, cannot extradite Krekar to Iraq.

13. (C) Sorby said Norway was not actively seeking such a guarantee because it was not yet clear that any such guarantee or assurance would be legally sufficient. Sorby said that Norway was waiting on a decision in the Abu Qatada case, in which the UK has obtained from Jordan assurances similar to the ones Norway was seeking from Iraq. Norway

views the disposition of the Qatada case to be so relevant to its own position that there is no point in pursuing further guarantees at this time, Sorby explained. The Abu Qatada case at the ECHR is expected to be decided in the spring of 2010, he added.

¶ 14. (C) Prefacing his comments with a caveat that anything he said at this point was highly hypothetical, and pursuant to prompting by poloff, Sorby said that there were "no obstacles he could see" to extraditing Krekar to Australia. On December 5, a Norwegian newspaper had reported that an Australian journalists union was petitioning the Australian attorney general to ask for extradition of Mullah Krekar, based on the killing of an Australian cameraman, Paul Moran, by a suicide bomber working for Ansar al-Islam in northern Iraq in 2003.

¶ 15. (U) The following is the Embassy-translation of the text of the article "They Want Krekar Extradited," which appeared in Norwegian in the online edition of Aftenposten newspaper on December 5, 2009:

Begin text:

"They Want Krekar Extradited"

The Australian journalist union wants Krekar extradited from Norway and investigated in Australia for murder and war crimes.

Norway rarely appears in Australian media, but these days the Krekar case is making waves on the other side of the globe. In the Australian media, Norway and Oslo are emerging as safe

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havens for terrorists. In a long article in the newspaper "The Australian" yesterday, frustrated Australian journalists speak out for Mullah Kerkar to be extradited to Australia; the headline reading "Terror Boss Escapes Retribution."

The backdrop for the journalists' demands dates back to 2003 when a suicide bombing killed the Australian cameraman Paul Moran, when he was on assignment for the national television company ABC in Kurdistan in northern Iraq.

The terrorist was under the wings of Ansar al-Islam, led by the man who in Norway is known as Mullah Krekar.

Moran's journalist colleagues are exasperated at the Australian government which has made no efforts to bring the issue to a resolution, but instead let Krekar remain in Norway "and mock the Australian government," as Mark Corcoran puts it. Corcoran is a veteran reporter for ABC and in 2003 he was the first to receive the message of his colleague's death.

Confronted Krekar

In 2007, Corcoran went to Oslo in order to confront Krekar with what had happened. Krekar was bragging about establishing the suicide squadron which killed Moran and was saying that he was fully justified in doing so, even if Moran was not a soldier. Krekar claimed at the time that he had resigned as leader of Ansar al-Islam in 2002. However, he possessed detailed information when Corcoran interviewed him for ABC in 2007.

This week, the Australian journalist union -- Media, Entertainment and Arts Alliance, MEAA -- wrote a letter to the Attorney General and requested that the Australian Federal Police, AFP, initiate an investigation.

The reason why this is so late in coming is that the Australian government recently decided to open an investigation into the killings of five Australian journalists in East Timor in 1975. This prompted calls for

an investigation into Krekar.

If the AFP and Attorney General decide to fully investigate the matter, demanding extradition, this will open up a new development in the case.

"We are clearly talking about a war crime," says Chris Warren of the journalist union, which also sits at the head of the International Federation of Journalists.

#### Frustration

The reporter who was on assignment in Iraq together with cameraman Paul Moran when he was murdered, Eric Campbell, told The Australian that it is incredibly frustrating when a man like Krekar is able to remain in Oslo and openly brag about Ansar al-Islam, and take satisfaction in recounting the details of Moran's death.

This is why the journalists are putting pressure behind their demands. Krekar must one day be held responsible for his actions, according to the request for an investigation.

The Supreme Court of Norway has labeled Krekar as a danger to the country's security, but the Norwegian authorities have not managed to deport him.

Whether or not Norway is able to extradite Krekar to Australia is another matter. Australians have taken notice of the fact that the Norwegian government refuses to extradite people to countries that torture prisoners or that apply capital punishment. But Australia doesn't apply the death penalty.

End text.

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